



## Probation Policy and Procedure

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## **Contents**

<b>Section</b>	<b>Subject</b>	<b>Page</b>
1	Policy	
1.1	Purpose	
1.2	Scope	
1.3	Length of Probationary Period	
1.4	Responsibilities and Expectations	
2.	Procedure	
2.1	Induction	
2.2	Length of Probationary Procedure	
2.3	Disabilities	
2.4	Misrepresentation of Skills/Qualifications	
2.5	Termination of Employment before the completion of the Probationary Period	
3.	The Review Process	
3.1	Achievement of performance Targets and Working Within the Council's Code of Conduct	
3.2	Unsatisfactory Performance	
3.3	Unsatisfactory Conduct	
3.4	The Final Review – 6 Months	
4.	Outcomes of the Final Review	
4.1	Confirmation of Appointment	
4.2	Extension of Probation Period	
4.3	Termination of Employment	
5.	Appeals	
5.1	Lodging and Appeal	
5.2	Appeal Conditions	
5.3	Appeal Process	

## **1. Policy**

### **1.1 Purpose**

Ryedale District Council values its employees and recognises that they are its greatest asset. We want all employees to perform well and feel valued.

The Council is committed to supporting all employees to get to grips with working at the Council and their new job. The general approach to probation is supportive and constructive, featuring feedback on performance, learning and development, team work and two-way communication.

The process has been designed to allow any issues that might prevent successful completion of the probation period to be identified and addressed in a timely fashion.

This policy is closely aligned with the Council's People and Culture Plan and supports our priorities, values and behaviours in delivering a robust and consistent approach to performance with clear expectations, so a supportive performance culture can develop and be embedded.

The policy is also designed to ensure that performance against job roles is achieved. As a public sector organisation, we must demonstrate effective and efficient use of resources. We therefore expect all employees to deliver against the remit and grading of their role.

The positive management by the line manager of a new employee during the probationary period, sets the tone for future performance management, for positive on-going relationships and assists in improving the overall standards and morale of the workforce. It also embeds the principles of feedback on performance, learning and development, team work and two-way communication as part of the employee's working life at Ryedale District Council.

Notwithstanding this general approach, Ryedale District Council is committed to the highest standards of performance, and will terminate a contract if the employee does not demonstrate satisfactory performance, including adherence to the Officer Code of Conduct, during their probationary period.

### **1.2 Scope**

The probationary period applies in a variety of circumstances.

First, it applies to all newly appointed employees.

The procedure applies to all new full-time, part-time and permanent and temporary employees of the Council, but does not apply to employees who have come into the Council as a result of a TUPE transfer.

Second, where an existing employee moves to another job within the Council, reviews will be scheduled to evaluate their performance and conduct in line with the

principles of the probationary process. In these circumstances where performance or conduct is identified as being unsatisfactory during, or at the end of, the probationary period this will be dealt with under either the Council's Capability or Disciplinary Procedures.

### **1.3 Length of probation**

All employees new to the Council will normally undertake a six month probationary programme (unless TUPE applies). This period may be extended in exceptional circumstances, if there are definite indicators that the employee will achieve the standard required, given further time; guidance should be sought from HR before the end of the original probation period. In most circumstances, the probationary period will be extended by 2 months where this is deemed necessary by the line manager in consultation with HR.

The probation period may be reduced to four weeks for contracts below six months. Where an employee has not attended work due to sickness absence, please contact HR for advice on how probationary periods should be extended/handled as this will be dealt with on a case by case basis.

### **1.4 Responsibilities and Expectations**

Employees are responsible for:

- engaging with the induction and probationary period processes and reaching the required level of performance
- Familiarising themselves with the organisation's rules, policies and procedures, particularly those relating to security, equal opportunities, conduct, discipline and grievance.
- Ensuring that they understand the probationary procedure.
- Ensuring that they are familiar with the standards and requirements of the job role, both those specified within the job description and how their role fits into the wider team and further organisational contribution;
- Ensuring that they take an active part in the probation review meetings.
- Undertaking any learning and development activities agreed with the manager; this includes all mandatory training modules and familiarity with specified policies such as health and safety and safeguarding.

Managers are responsible for:

- Ensuring the employee is aware of this probation policy and procedure.
- Explaining the expected standard of performance, how performance will be monitored, and expected standards of conduct to the new employee.
- Completing probation reviews as appropriate for the new employee.
- Ensuring probation documentation is completed in a timely manner.
- Notifying the employee of any probation review meetings in advance so that both parties have time to prepare.

- Identifying any potential for the employee to fail to meet the standards required and taking appropriate action quickly whilst maintaining liaison with HR if appropriate.
- Ensuring that systems are in place to support and monitor the employee's work throughout the probationary period in order that they receive such assistance as is reasonable to fulfil the duties and responsibilities of the post.

## **2. Procedure**

### **2.1 Induction**

The importance of good induction for a new starter in assisting them to complete their probationary period satisfactorily cannot be underestimated. Quite apart from the obvious challenge of tackling a new role, there is also the need to become accustomed to a new organisation, a new environment and new colleagues. The purpose of induction is to support employees during this period and to help them quickly become fully integrated into the Council.

Managers are responsible for devising an induction programme, which explains the range of work, standards and expectations required by the Council of the employee. It is important that the manager checks that the employee fully understands the requirements of the job and the organisation's expectation of performance and expected behaviours.

### **2.2 Length of probationary period**

The probationary period will normally last for six months. Managers will conduct monthly review meetings, completing the probationary review form at Appendix A. At the six-month final review the employment shall be confirmed, unless the contract is to be terminated or in exceptional circumstances, the probation period is to be extended. The probation period may be reduced to four weeks for contracts below six months.

### **2.3 Disabilities**

Employees with disabilities should be monitored using the same procedure as for all other staff. However, in line with the Equality Act 2010, the need for any reasonable adjustments or more favourable treatment required by disabled employees must be considered at any time during the probationary period. In circumstances where a disability only becomes fully apparent once an employee has started in post it may be necessary to defer the probationary assessment until after all reasonable adjustments have been considered and implemented where appropriate. Occupational Health advice should be sought at the earliest opportunity.

Reasonable adjustments which are required to enable an employee to perform in their post must be implemented promptly. In all cases in which reasonable adjustments are or may be required the manager shall seek advice from Human Resources and shall invite the employee to a meeting, at which they may be

accompanied by a work colleague or trade union representative, giving at least five working days' notice, to discuss this.

## **2.4 Misrepresentation of Skills/Qualifications**

Where a probationary employee has misrepresented their skills, abilities and/or qualifications at interview, and it becomes apparent during the probationary period that they are unable to carry out the duties or requirements associated with the job, the manager will decide in conjunction with HR whether to terminate employment. In these circumstances the process set out at Section 2.5 will apply.

## **2.5 Termination of employment before the completion of the Probationary Period**

If work performance, attendance or conduct falls short of acceptable standards with the effect that that it is not appropriate to continue employment it is possible to terminate employment at any point during the probationary period.

In all cases the employee must be invited to attend a meeting to be told how their performance, attendance or conduct is unsatisfactory and have the opportunity to give an explanation.

As dismissal will be considered, the manager must inform the employee of their right to be accompanied by a trade union representative or work colleague, should they so wish. The invitation to the meeting must be in writing, by letter or by email, and must give at least five working days' notice to the employee.

It is not the intention of this procedure that probationary employees should face dismissal as a result of allegations of minor misconduct which would not lead to the dismissal of any other employee. However, persistent acts of minor misconduct may lead to dismissal.

All employees must act in accordance with the values and behaviours of the Council; termination will be considered where non-compliance is consistently demonstrated during the probationary period.

Where, following this meeting it becomes clear that the probationary period will not be completed successfully, the manager shall inform the employee of their intention to recommend to HR and the appropriate Head of Service that the employee's contract be terminated. Confirmation of termination of employment will be provided in writing to the employee. The employee shall have a right of appeal in accordance with Section 5 of this procedure.

## **3. The Review Process**

### **3.1 Achievement of performance targets and working within the Council's Code of Conduct**

In line with the Council's performance review process, managers must commence monthly one-to-one meetings with employees as soon as they start employment.

Managers do not need to conduct separate one to one meetings (part of regular performance management) and probation meetings; the monthly meeting will act as both. These meetings should be set up in advance of the employee starting and their purpose covered as part of induction.

Employees should be given adequate notice of any proposal to vary the date of the review meeting.

The aim of the review process is to assess the employee's ability to carry out their job. A written record should be made of all meetings, shared with the employee and a copy placed on the employee file. For consistency, a template is provided to aid managers during these discussions (Appendix A).

The purpose of regular one-to-ones is to support the employee during their probation period so they understand their role, the conduct and behaviours expected of all employees, and the standards and measures of performance which they are required to deliver against. This is to give them every reasonable chance of completing the probation successfully.

The meeting should discuss what is going well, progress against objectives, any areas of concern and identification of next steps to support the employee during the probation period. Factors which the manager must consider include:

- Quality of work and performance
- Attitudes and motivation
- Conduct, behaviours, timekeeping and attendance
- Any training needs

If any issues arise from the discussions that suggest the employee may not be able to complete their probation period successfully, these should be raised with HR at this stage, and advice taken on any additional actions that need to be taken.

Factors which are potentially discriminatory under the terms of any of the equalities and discrimination legislation must not form part of the assessment review process. Where employees have a disability or a disability becomes apparent, the line manager must consider any reasonable adjustments in line with the Equality Act 2010.

### **3.2 Unsatisfactory performance**

At each stage the review discussion must cover the strengths, weaknesses and areas for improvement of the employee's performance. These must be discussed and noted, together with ways performance could be improved, as part of an improvement action plan. An assessment must be made as to whether the overall performance is satisfactory or unsatisfactory. Where performance is unsatisfactory, managers must:

- draw this to the attention of the employee

- discuss weaknesses and areas for development with the aim of establishing the reasons for poor performance and identifying strategies/training for improving that performance
- restate the standards required and the consequences of failure to meet those standards

An action plan may be used to detail what needs to take place to improve performance (Appendix B). Managers may also wish to seek the guidance from HR where there is unsatisfactory performance.

### **3.3 Unsatisfactory conduct**

Where there is evidence of persistent misconduct or serious/gross misconduct during the probationary period the matter will be addressed in accordance with section 2.5.

### **3.4 The final review – 6 months**

Prior to the final review the employee's line manager must consider whether the:

- employee's appointment should be confirmed;
- employee's probation period should be extended (exceptionally); or
- employee's contract should be terminated.

If the manager considers that the employee's conduct and / or performance is unsatisfactory, they must write to the employee at least one week prior to the final review meeting to inform them in advance of the reasons why this is the case.

Where dismissal or an extension of the probationary period is contemplated, the manager must inform the employee that they have a right to be accompanied at the final review meeting by a trade union representative or work colleague, should they so wish. It is the responsibility of the employee to notify their representative of the date and time of the meeting. In the event that the representative is unavailable the meeting may be postponed by up to five working days.

The final review must take place within one week of the employee having completed six months' service, unless there are extenuating circumstances. The employee's line manager must conduct the review meeting.

The purpose of the final review is to assess the employee's progress over the whole of the probation period and to reach a decision as to whether the employee's employment should be confirmed, whether exceptionally the probation period should be extended or whether the employee should be dismissed.

## **4. Outcomes at the final review**

### **4.1 Confirmation of appointment**

Where the appointment is to be confirmed, the manager should confirm this to the employee during the final review and note this on the form. A copy of the form must

be kept on the employee's file.

#### **4.2 Extension of probation period**

There may be circumstances where it is appropriate to extend the probationary period for the following reasons:

- Through the employee's sickness or other authorised absence it has not been possible to assess performance
- An extension has been agreed in accordance with paragraph 2.4.1
- The employee has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation

If the employee's manager concludes that the probationary period should be extended, this matter must be discussed with Human Resources. Where the manager and HR conclude that the probationary period should be extended, the following must be discussed with the employee and confirmed in writing:

- the reason for the extension
- details of any training that will be provided during the extension period
- the performance standards expected and the way in which it will be monitored
- that if performance still fails to meet expectations at the end of the period the employment will be terminated.

The probation period should not normally be extended by more than two months.

Where, following the extended probationary period the employee's performance has improved substantially, the appointment should be confirmed, the employee formally notified and from then on be subject to the Council's appraisal, staff development and other HR policies and procedures.

#### **4.3 Termination of employment**

Where, following the six-month formal review or extended probationary period, it becomes clear that the probationary period will not be successfully completed, the manager shall inform the employee of their intention to recommend to HR and the appropriate Head of Service, that the employee's contract be terminated. Confirmation of termination of employment will be provided in writing to the employee along with details of their right of appeal against termination of employment by virtue of failure to successfully complete a probationary period. Dismissal will be with notice pay and may be actioned as a payment in lieu of notice (PILON).

### **5. Appeals**

#### **5.1 Lodging an appeal**

Where an employee's contract is terminated, the employee will be advised of their right to appeal the decision.

The appeal must be made in writing, to the Head of Service, within 10 working days of receipt of written confirmation of the decision.

Where possible, the appeal will be heard before the dismissal takes effect. The appeal will normally be heard within the notice period.

Appeals against dismissals will be heard by the Appeals Panel of the Policy and Resources Committee. The employee has the right to be represented at an appeal by a trade union representative or work colleague.

## **5.2 Appeal conditions**

The grounds of appeal should relate to one or more of the following:

**The procedure:** An appeal can be lodged on the grounds that the probation procedure was applied unfairly or inaccurately.

**The facts:** An appeal can be lodged where the employee believes that the facts of the case did not support the decision made; that the facts considered were not relevant; that the facts were not substantiated; or where there are new facts/evidence which needs to be considered that has come to light subsequent to the hearing

**The decision:** An appeal can be lodged where the employee feels that the sanction received is disproportionate to the charges found taking into account the evidence/mitigating circumstances presented.

## **5.3 The appeal process**

The employee will be given 5 working days' notice of the appeal hearing along with any documents which will be presented at the appeal. The employee must provide their own documents within two working days of the hearing.

The panel will review whether the original decision was reasonable having reviewed the grounds for appeal. The Appeal Panel shall have discretion to go into as much detail as they consider necessary in order to give a fair hearing to the appeal, within the grounds of the appeal. The decision at appeal shall be either to uphold the original decision to dismiss, or to confirm the employee in employment. This decision shall be final and will be confirmed in writing.

Notes shall be taken at an appeal hearing and a copy provided to the employee within 10 working days of the hearing.

**Probationary Review**

Name of Employee:	
Name of Manager:	
Probation Review No.	
Date:	

Reviews should take place every 4 weeks/1 month during the course of the probationary period.

What has gone well?	
What areas are to be concentrated on next?	
What areas of improvement need to be made?	
Any areas of concern	

Signature (employee):

Signature (manager):

Date:

**Probation: Action Plan**

<b>Employee Name</b>		<b>Job Title</b>	
<b>Line Manager</b>		<b>Department</b>	
<b>Probation Review No</b>		<b>Meeting Date</b>	

	<b>Issue</b> (be clear if this is something that the employee is doing or not doing and what is and isn't acceptable)	<b>Action/Training to take place</b>	<b>Milestones</b>	<b>People involved</b>	<b>Review date</b>
1					
2					
3					
4					

<b>Actions agreed (Manager signature)</b>		<b>Date</b>	
<b>Actions agreed (Employee signature)</b>		<b>Date</b>	